

FEB 17 2005

PTO/SB/04 (09-04)

Approved for use through 07/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

D5110

First named inventor: Jason R. Thompson

Application No.: 10/047,827

Art Unit: 3616

Filed: 10/29/01

Examiner: Laura B. Rosenberg

Title: Universal Accessory-Mounting Assembly

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Appeal Brief (identify type of reply):

- ☒ has been filed previously on 3/26/04
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

PTO/SB/64 (03-04)

Approved for use through 07/31/2006, OMB 0831-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Jeffrey P. Calfa
Typed or printed name

International Truck Intellectual Property Company, LLC
Address

4201 Winfield Rd., Warrenville, IL 60555
Address

2/17/05
Date

37,105
Registration Number, if applicable

630-753-3023
Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

2/17/05

Date



Signature

Cathi Majewski

Typed or printed name of person signing certificate

RECEIVED
CENTRAL FAX CENTER

P.4/33

FEB 17
Serial No.: 10/047,827
Atty. Docket No.: D5110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent Application of: Thompson et al.)
Serial No.: 10/047,827) Group Art Unit: 3616
Filed: October 29, 2001) Examiner: Laura B. Rosenberg
For: Universal Accessory-Mounting Assembly)

MEMORRANDUM IN SUPPORT OF PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

VIA FACSIMILE: (703) 872-9306
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

In support of the attached Petition For Revival based on unintentional delay, Applicants state the following.

Applicants filed an Appeal Brief on March 26, 2004. Applicants forgot to file a Notice of Appeal prior to filing said Appeal Brief. Applicants received an Examiner's Amendment, mailed on July 28, 2004, that addressed issues raised in the Appeal Brief. Applicant filed a Reply Brief to the Examiner's Amendment on September 20, 2004. The Patent Office mailed Applicant a communication dated October 13, 2004 stating that the Reply Brief had been received and forwarded to the Board of Patent Appeals and Interferences for a decision.

On November 22, 2004, Applicants received an Order Returning Undocketed Appeal to Examiner, stating the application was not ready for docketing as an appeal because Applicants failed to file a Notice of Appeal prior to filing their Appeal Brief. Applicants' attorneys' office phoned the Examiner and received a subsequent phone call back on December 7, 2004 in which the Examiner informed Applicants' attorneys' office that the application would go

Serial No.: 10/047,827
Atty. Docket No.: D5110

abandoned due to failure to file a Notice of Appeal. Applicants received a formal Notice of Abandonment on January 3, 2005.

Applicants contend the error in not filing a Notice of Appeal prior to filing their Appeal Brief was purely unintentional as evidenced by the filing of the Appeal Brief and respectfully request revival and reinstatement of the above-mentioned application in accordance with the attached Petition.

Respectfully submitted,

Warrenville, IL 60555
Date: February 17, 2005
Telephone: (630) 753-3023

Jeffrey P. Calfa
Registration No. 37,105

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this **MEMORANDUM IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)** is being facsimile transmitted to the Patent and Trademark Office on or before 2/17/05 to (703) 872-9306.

Date: 2/17/05

Cathi Majewski
Cathi Majewski

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.